

The Women's and Children's Health Care Network	<b>HUMAN RESOURCES MANAGEMENT EMPLOYEE RELATIONS POLICY</b>	<b>03-15-1-004</b> Page 1 of 3
<b>Resolution of Serious Employment Problems</b>		Revision: 0 Approved: 30/03/1998 Approved By: HEC Next Review: March 2001

### 1. *Policy statement*

- An important objective of the Network in relation to employment of staff is to ensure that serious employment problems are averted. This can be achieved through constant improvements to recruitment techniques and practices and through the development of appropriate on-going employment practices at all levels of management.
- The fact remains, however, that in a large and diverse employment community such as the Network, some staff will not match up to the practical or professional requirements of their job, while a very few may commit an offence the nature of which warrants instant dismissal.
- The Board of Directors and its delegates are empowered to dismiss any employee for unsatisfactory work practices or performance, or for serious and wilful misconduct. The Board and its delegates are also empowered to apply for professional deregistration of any employee whom, in the opinion of the Network, fails to maintain an appropriate level of professional work practice and conduct.
- However, dismissal of an employee, for whatever reason, is a measure of last resort. The procedures outlined below and in Policy - Staff Counselling and Grievance Procedures, correctly place the emphasis on maintaining good management practices, and on counselling, training and retraining, rather than disciplinary measures.
- The Board of Directors and its delegates have nevertheless a clear responsibility to ensure that the highest standards are maintained throughout the Network. Staff who are unwilling or who are unable to meet these standards, to a reasonable degree, should therefore expect to find employment in an environment other than an acute care Network.

### 2. *Persons Affected*

All Staff. Note, however, that disciplinary procedures for medical staff are covered under terms within their individual contracts rather than the general procedure outlined. This policy statement, and individual employment contracts should be referred to in this circumstance.

### 3. *Definition of terms*

Poor performance can generally be classified into three categories:

1. Unsatisfactory work in terms of quality or quantity.
2. Violation of rules / policies / procedures while at work.
3. Personal problems off the job, which may be temporarily affecting work performance.

### 4. *Responsibility*

#### **Department Heads for**

- considering the circumstances in which it might become necessary to terminate the services of an employee by reason of poor work practices or performance, or serious and wilful misconduct, and
- discussing same with Employee Relations Manager or delegate
- consulting the relevant Divisional Director in the case of nursing staff
- consulting the Executive Director (Medical) in the case of medical staff
- implementing the agreed course of action

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**Employee Relations Manager or delegate** for discussing any recommendation for action to be taken to terminate the services of an employee under one or other of these circumstances with the Department Head.

**Divisional Directors** for providing advice

## 5. Criteria

- 5.1. Where it has become clear that counselling and training to improve work practices and performance have failed to produce the desired outcome, a Department Head may, after consultation with the relevant Divisional Director (Nursing) or Executive Director (Medical Staff) or the Employee Relations Manager (other staff) implement the provisions of the Network's Disciplinary Procedure:
- 5.2. Where disciplinary action is necessary, the management representative shall notify the employee of the reason. The first warning shall be verbal and will be recorded, a copy of which must be sent to Human Resources - to be placed on the employee's personal file. The local union representative will be present if desired by either party. The employee should also be counselled at this stage and the warning issued in the setting of a disciplinary interview.
- 5.3. If the problem continues, the matter will be discussed with the employee and a second warning in writing will be given to him or her and recorded on his or her personal file. (Again, the local union representative will be present, if desired, by either party).
- 5.4. If the problem continues the employee will be seen again by management. If a final warning is to be given then it shall be issued in writing and a copy sent to the relevant Union. It is essential to contact the Employee Relations Manager, Human Resources Department prior to issuing a final warning.
- 5.5. In the event of the matter recurring, then the employee may be dismissed. No dismissals are to take place without consultation with the Human Resources Manager.
- 5.6. In cases of severe breaches of discipline where the action is considered to be both serious and wilful, an employee's contract of employment may be summarily terminated subject to the appropriate authorisation being obtained.
- 5.7. The following are examples of acts of serious and wilful misconduct which may lead to summary dismissal. Several of these actions relate directly to criminal acts. This list is not definitive and is provided for illustrative purposes only:
  - 5.7.1. theft of an employee's or Network property.
  - 5.7.2. abuse or destruction of property of employees.
  - 5.7.3. abuse or deliberate destruction of Network property, tools or equipment
  - 5.7.4. falsification of records or making untrue statements which may result in the falsification of records.
  - 5.7.5. fighting or instigating a fight
  - 5.7.6. abusive language or intimidating, coercing or interfering with fellow employees
  - 5.7.7. possession or consumption of any alcoholic beverage on Network premises, without permission.

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- 5.7.8. clocking the time card of another employee
- 5.7.9. leaving the workplace during working hours without permission
- 5.7.10. failure to adhere to a reasonable work request.
- 5.7.11. Possession sale or use of any illegal substance.
- 5.7.12. Breaching Network confidentiality
- 5.7.13. Failure to follow established procedures in treating or dealing with patients.
- 5.7.14. Misuse of Network records.
- 5.7.15. Sale of stolen property on Network premises.
- 5.7.16. Any criminal conviction or civil conviction for fraud.
- 5.7.17. Failure to attend for work without sufficient excuse.
- 5.7.18. Sexual harassment or any form of discrimination (as outlined in the Equal Opportunity Policy) of a fellow employee, patient, or visitor
- 5.7.19. Displaying, viewing, accessing, retrieval and/or saving of pornographic material.
- 5.8. In no instance should a summary dismissal be authorised until a full and complete investigation has been carried out under the general direction of the Human Resources Manager. Where the employee is a union member, the employees representative is to be invited to attend.
- 5.9. Where the behaviour of an employee is such as to be likely to cause serious risk to patients, other staff, members of the public or property, the employee concerned should be immediately suspended from duty on full pay, pending the outcome of a full investigation. (Refer to policy - suspension from Duty).

6. *Special provisions/reference documents ( which may be referred to)*

Nothing in this policy is intended to limit the normal interaction between department head and employee, or routine training and counselling aimed at improving work practices and performance.

7. *Bibliography*